

ORDINANCE NO. 1019-2011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA AMENDING CODE OF ORDINANCE SECTION 113-11, FAILURE TO MAKE AFFIDAVIT, BY ENACTING A PROVISION WHICH REQUIRES THE SECURING OF A BUSINESS RECEIPT FOR OCCUPYING A DESIGNATED BUSINESS LOCATION IN THE CITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE.

WHEREAS, the Code Compliance Department has previously experienced difficulty in enforcing the provisions of Chapter 113 of the Code against certain "*occupied*" designated business premises in the City; and,

WHEREAS, while the "*occupancy*" of the designated business premises has never been questioned, the issue of actually "*conducting business*" from the premises has proved to be an obstacle to enforcement; and,

WHEREAS, the City Administrative Staff has always believed that the "*occupancy*" of a designated premises, and not the actual "*conducting of business*", was the determining factor in requiring the securing of a receipt for the business premises; and,

WHEREAS, the failure to provide a Code provision in regard to the aforesaid issues has allowed a loophole to exist in the business receipt system of the City; and,

WHEREAS, the City Council has determined that it is in the best interests of the City and its citizens to enact legislation to close the loophole in the enforcement of Chapter No. 113:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:

Section 1: That Code of Ordinance Section 113-11, Failure to make Affidavit, is hereby amended as follows:

~~Sec. 113-11. Failure to make Affidavit.~~

~~Each day's selling or disposing of merchandise or engaging in business without making the affidavit, as required in Sec. 113-08, shall constitute a separate and distinct violation of this chapter.~~

Sec. 113-11. Occupancy of Business Location; Receipt Required.

Any person, firm or business entity occupying any premises or location designated by the City for business use purposes shall be required to secure a receipt annually from the City. The failure to actually conduct business from the occupied business location shall have no bearing upon the duty and responsibility to secure an annual receipt from the City.

Section 2: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

Section 3: That the provisions of this Ordinance shall be effective immediately upon adoption by the City Council.

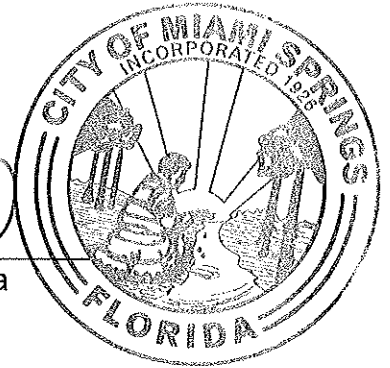
PASSED AND ADOPTED by the City Council of the City of Miami Springs,
Florida this 27th day of June, 2011.

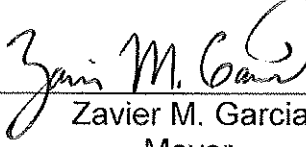
The motion to adopt the foregoing ordinance was offered on
second reading by Councilman Lob, seconded by
Councilwoman Ator, and on roll call the following vote ensued:

Vice Mayor Best	"aye"
Councilman Espino	"aye"

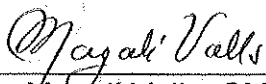
Councilman Lob
Councilwoman Ator
Mayor Garcia

"aye"
"aye"
"aye"





Xavier M. Garcia
Mayor

ATTEST:


Magali Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


Jan K. Seiden, Esquire
City Attorney

First reading: 05/23/2011 (not discussed)
First reading: 06/13/2011
Second reading: 06/27/2011

Words ~~-stricken through-~~ shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.